IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7895 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HMG MURTHY

Versus

UNION OF INDIA

Appearance:
PARTY-IN-PERSON for Petitioner
RULE NOT RECD BACK for Respondent No. 1
MR JJ YAJNIK for Respondent No. 2, 3

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 06/02/2001

ORAL JUDGEMENT (Per : MR.JUSTICE B.C.PATEL)

We have heard Shri H.M.G. Murthy, the petitioner herein and Shri J.J. Yajnik, learned advocate appearing for respondents nos.2 and 3.

2. Various details are placed on record in order to point out the inconsistencies with regard the charges levied, speed, duration, etc. We do not refer to any of the above details; suffice it to say that the grievance made by the petitioner in this petition is prima facie justified and is required to be considered by the Chairman, Railway Board and the Member (Traffic) Railway Board.

3. The present petition, annexures thereto and affidavits filed by the parties shall be considered as a representation. Over and above, if any other material is to be placed, it would be open for the petitioner to place such a material before the Chairman, Railway Board, well in advance.

4. We direct the respondents to give an opportunity of hearing to the petitioner herein to put forth his case before the Chairman and the Member of the Railway Board. We also direct that a decision shall be taken in the matter within the period of four weeks and such decision shall be communicated to the petitioner. It goes without saying that the decision is to be rendered with reasons.

5. Shri Yajnik, learned advocate submitted that reasonable time may be given for taking decision. We are of the view that the time of four weeks granted by us would be sufficient inasmuch as affidavits are placed on record and other material is available with the Railway Board. However, if decision could not be taken for any unavoidable circumstances, we will certainly consider request for extension of time, if made at a later stage. The petitioner shall, however, be informed of the date well in advance before moving the Court in this behalf to facilitate him to remain present.

6. With these directions we dispose of this petition with a liberty to file a fresh petition, if needed. Rule is made absolute to the above extent. No order as to costs.

(B.C. Patel, J.)

6th February 2001 (Ravi R. Tripathi, J.)

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